

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANGELA MALCICH,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20-cv-01030-AGF
)	
ST. LOUIS COUNTY, et al.,)	
)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Angela Malcich's Motion for Leave to File Under Seal. (Doc. No. 156). Plaintiff asks the Court to 1) retroactively seal certain exhibits she had previously filed on the public docket and 2) grant her leave to file newly filed exhibits under seal. Plaintiff notes that the protective order previously entered in this matter requires certain exhibits to be filed under seal. (Doc. No. 18). Local Rule 13.05 governs the sealing of materials filed in civil cases. It requires the proponent of sealing to file a motion for sealing describing:

(i) the material or information sought to be filed under seal without disclosing the substance of the material sought to be kept confidential; (ii) the legal grounds for the sealing; and (iii) the requested duration for the sealing or, if the proponent requests that the material remain sealed indefinitely, the reasons supporting the request.

E.D.Mo. Local Rule 13.05(A)(4)(a). Additionally, within three business days of filing the motion for sealing, the movant must file either a redacted copy of the subject documents in the public record or a memorandum explaining the specific reasons for the failure or inability to file a redacted document. E.D.Mo. Local Rule 13.05(A)(4)(c).

Plaintiff first requests that the following exhibits she previously filed in the public record be sealed: Doc. Nos. 108-4, 108-8, 108-11, 111-2, 111-3, 111-4, 111-5, 111-9, and 114-4. (Doc. No. 156). Plaintiff explains that these documents contain medical information and statements from non-parties related to internal affairs investigations. The Court will seal these documents and order Plaintiff to file either a redacted copy of the subject documents or a memorandum explaining why a redacted copy cannot be filed within three business days, in compliance with Local Rule 13.05. Plaintiff does not specify the requested duration for the sealing, so the Court will seal the documents until further order of the Court.

Plaintiff next requests the Court grant her leave to file her newly filed exhibits, Exhibits 5, 6, 10, 11, 13, and 24 under seal. (Doc. No. 157). In compliance with Local Rule 13.05, Plaintiff filed redacted copies of Exhibits 5, 6, 10, 11, and 13. (Doc. No. 158). Plaintiff explains that these exhibits also contain medical information and statements from non-parties related to internal affairs investigations. For the reasons set forth in Plaintiff's motion, the Court will grant Plaintiff's motion and seal the exhibits until further order of the Court.

However, Plaintiff explains that she is unable to provide a redacted version of

Exhibit 24 because Defendant St. Louis County designated the exhibit as confidential. (Doc. No. 159). Plaintiff states that she does not oppose publishing the document in the public record and is unaware of what specifically St. Louis County believes is confidential. “The fact that certain information or material has been protected as confidential by parties in a case pursuant to a Protective Order is relevant to, but not dispositive of, whether this information or material will be sealed when filed with the Court.” E.D.Mo. Local Rule 13.05. The Court will order St. Louis County to file a redacted copy of Exhibit 24 or a notice explaining why a redacted copy cannot be filed. The mere fact that the exhibit was produced pursuant to a protective order is not a sufficient basis to seal the exhibit.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Motion for Sealing is **GRANTED**. (Doc. No. 156).


IT IS FURTHER ORDERED that the exhibits Plaintiff filed under seal, (Doc. No. 157), shall remain sealed until further order of the Court.

IT IS FURTHER ORDERED that the Clerk of the Court shall seal Doc. Nos. 108-4, 108-8, 108-11, 111-2, 111-3, 111-4, 111-5, 111-9, and 114-4 until further order of the Court.

IT IS FURTHER ORDERED that Plaintiff shall file, within **three business days** redacted copies of Doc. Nos. 108-4, 108-8, 108-11, 111-2, 111-3, 111-4, 111-5, 111-9, and 114-4 or a memorandum explaining why redacted copies cannot be filed.

IT IS FURTHER ORDERED that St. Louis County shall file a redacted copy of

Exhibit 24 or a notice explaining why a redacted copy cannot be filed within **seven days**.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 24th day of June, 2022.